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HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. (C) No. 3262 of 2007

Petitioner		Smt. Meena Singh (Sarpanch) Wife of Shri Kamal Singh, aged about 27 years, Caste Gond, Resident of Village Girvarganj, Police Station and Tahsil Surajpur, District Surguja (C.G.)
	Versus	
Respondents	1.	State of Chhattisgarh, Through: The Secretary, Department of Panchayat and Social Welfare, D.K.S. Bhawan, Raipur (C.G.).
	2.	The Collector, Ambikapur, District Surguja (C.G.).
	3.	The Sub Divisional Officer (Prescribed Authority), Surajpur, District Surguja (C.G.).
	4.	The Tahsildar (Presiding Officer), Surajpur, District Surguja (C.G.).
	5.	Smt. Kaushilya Bai Wife of Shri Dharamjeet, Caste Gond, aged about 35 years, Panch;
	6.	Keshwar Prasad Son of Shri Janki Ram, Caste Rajwar, aged about 35 years, Panch;
	7.	Smt. Fulkunwar Wife of Shri Parsadhu, Caste Rajwar, aged about 50 years, Panch;
	8.	Smt. Budhiyaro Wife of Shri Haribhajan, Caste Rajwar, aged about 55 years, Panch;
	9.	Smt. Shyama Bai Wife of Shri Mohabbat Ram, Caste Panika, aged about 35 years, Panch;
	10.	Smt. Yashoda Rani Wife of Shri Somarsai, Caste Rajwar, aged about 27 years, Panch;
	11.	Smt. Sumti Wife of Shri Somaroo, Caste Ghansiya, aged about 40 years, Panch;
	12.	Ramdular Son of Shri Beniram, Caste Rajwar, aged about 35 years, Panch;
	13.	Prabhuram Son of Shri Atibal, Caste Panika, aged about 35 years, Panch;
	14.	Anand Singh Son of Shri Mansai, Caste Gond, aged about 35 years, Panch;
	15.	Tara Singh Son of Shri Duhan Singh, Caste Gond, aged about 40 years, Panch;

16. Moharlal Son of Shri Budhhra, Caste Gond, aged about 37 years, Panch;
17. Shivshankar Son of Shri Buddhu, Caste Rajwar, aged about 50 years, Panch;
18. Premsai Son of Shri Shivbhajan Caste Rajwar, aged about 38 years, Panch;
19. Smt. Sushma Wife of Shri Goutam Prasad, Caste Rajwar, aged about 25 years, Panch;
20. Ramkripal Son of Shri Dallu, Caste Rajwar, aged about 50 years, Panch;
21. Smt. Uddheshwari Wife of Shri Jaisai, Caste Rajwar, aged about 40 years, Panch;
22. Smt. Kanti Bai Wife of Shri Mukdeo, Caste Gond, aged about 45 years, Panch;
23. Lalluram Son of Shri Ubar Sai, Caste Rajwar, aged about 40 years, Panch;
24. Gharbharan Son of Shri Somarsai, Caste Gond, aged about 30 years, Panch;

The respondent No. 1 to 24 are residents of village Girvarganj, Police Station and Tahsil Surajpur, District Surguja (C.G.).

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

SB: Hon'ble Shri **Satish K. Agnihotri, J.**

Shri Ashok Kumar Shukla, Advocate for the petitioner.

Shri Arvind Dubey, Panel Lawyer for the respondents No. 1 to 4.

ORDER

(Passed on this 6th day of August, 2007)

1. The petitioner, who was elected Sarpanch of Gram Panchayat Girvarganj, Tahsil Surajpur, District Surguja, has filed this petition, against the order dated 18.5.2007(Annexure P/1) passed by the Additional Collector, Sarguja, whereby the 'no confidence' motion held on 24.2.2007 against the petitioner was

approved. The sole allegation of the petitioner is that the vote of 'no confidence' motion was passed without affording an opportunity of hearing to the petitioner to reply to the allegations made against him.

2. On perusal of the proceedings dated 24.2.2007 (Annexure P/6) it is found that the petitioner was given sufficient opportunity to put forward his case as is evident from the recording of the proceedings. Learned counsel for the petitioner does not question about the presence of the sufficient number of votes and passing of the 'no confidence' motion by 3/4th members present and voted in the 'no confidence' motion.

3. I have gone through the order dated 18.5.2007 and heard learned counsel for the petitioner. I do not find any irregularity or illegality in the impugned order warranting interference by this Court under Article 226 of the Constitution of India.

4. Be that as it may, it is admitted that the resolution was passed by overwhelming majority and the no confidence motion against the petitioner was carried out by 15 members out of the total 19 members present and voted. This Court in **Ghanshyam Yadav Vs. Rameshwar Sahu and others** (Writ Petition No. 6774 of 2006, decided on 5.12.2006) has held that in the event, the resolution is passed by overwhelming majority, the no confidence motion cannot be declared as null and void.

5. For the above-stated reasons, the writ petition is dismissed.

Sd/-
Satish K. Agnihotri
Judge

Thakur